

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALFONSO GARCIA,	: 24 Civ. 5260 (DEH) (GS)
	:
Plaintiff,	: <u>ORDER</u>
	:
- against -	:
	:
J&L CONSTRUCTION LLC and LUCY	:
SANCHEZ,	:
	:
Defendants.	:
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GARY STEIN, United States Magistrate Judge:

This diversity breach of contract action was initiated by Plaintiff on July 11, 2024. (Dkt. No. 1). On October 25, 2024, Plaintiff filed his First Amended Complaint. (Dkt. No. 19). The affidavits of service of the Summons and Amended Complaint were filed on the docket on November 25, 2024. (Dkt. Nos. 24 & 25). Those affidavits indicate that both Defendants were served on October 30, 2024, with Answers due by November 20, 2024.

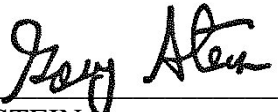
To date, the docket reflects that Defendants have not appeared in this action nor responded to either the First Amended Complaint or Plaintiff's original Complaint, which according to the docket was served on both Defendants on August 19, 2024. (Dkt. Nos. 10 & 11). Given Defendants' non-appearance since the affidavits of service were filed, if Plaintiff believes that he has effectuated service, then he should initiate default judgment proceedings in accordance with Judge Ho's Individual Rule 4.h by **Friday, December 27, 2024**. Alternatively, Plaintiff may submit a status letter by the same date, informing the Court as to Plaintiff's litigation plan and whether he is still actively attempting to serve Defendants.

Failure to comply with this Order could result in a recommendation to the Honorable Dale Ho that this action be dismissed without prejudice for failure to prosecute pursuant to Fed.

R. Civ. P. 41.

SO ORDERED.

Dated: New York, New York
December 11, 2024



GARY STEIN
United States Magistrate Judge